



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,466	07/25/2006	Masahiro Takatori	MAT-8879US	2008

52473 7590 03/14/2011
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER

VANDERHORST, MARIA VICTORIA

ART UNIT	PAPER NUMBER
----------	--------------

3688

MAIL DATE	DELIVERY MODE
-----------	---------------

03/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,466	Applicant(s) TAKATORI, MASAHIRO	
	Examiner VICTORIA VANDERHORST	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the amendment filed on 12/22/2010 for the application No. 10/587466. Claims 15-21 and 29 are withdrawn. Claims 1-8, 10-16 and 28-29 are currently pending and have been examined. Claims 1-8, 10-16 and 28-29 have been rejected as follow

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN) and in view of US. PG. Pub. No. 2004/0261126 (ADDINGTON).**

As to claim 1, STAUNTON discloses a television receiver for receiving a digital television broadcast (abstract, paragraphs 001, 0006 and 0009) comprising:

An inherent information memory unit for storing inherent information of a broadcaster and being accessible only for a software program (paragraphs 00017, 0020 and 0021);

a control unit uses the received software program for obtaining the package information to execute control for enabling the software program to use the inherent information of the broadcaster (Fig. 2, paragraphs 0022, 0023 and 0053).

But, STAUNTON does not expressly disclose

a software program receiver unit for receiving the software program, the software program obtaining package information by using the inherent information from the inherent information memory unit.

However, SCHEIN discloses an interactive computer system which provides television schedule and/or listing information (paragraph 0007). Further, SCHAIN discloses that his system comprises a receiving software program, "...At step 270, disk input 18 is used to provide hard drive 14 with the software needed for receiving, organizing and displaying data which provides the system's television schedule guide..." (paragraphs 0007, 0029 and 0047)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate SCHEIN's teachings into the system of STAUNTON. One would have been motivated to provide loyalty information along with program information to a software program in order to increase potential business.

Further, the combination of STAUNTON and SCHEIN does not disclose a software program certified by the broadcaster

However, ADDINGTON discloses a cable system with enhanced services, abstract. His cable system comprises software that is certified by either a manufacturer or a certification entity (paragraph 0274)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate ADDINGTON's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide certification capabilities to a system in order of minimize malfunctioning software.

Further, STAUNTON discloses
a common information memory unit for storing common information, and being freely accessible for an application installed in the television receiver
(STAUNTON discloses, "...a single device may be equipped with a memory facility...", paragraph 0032.

Further STAUNTON teaches, "...In the embodiment described, the STB is a low-end box based on the SGS-Thomson STi5512 chip. This chip features a 60 MHZ ST20 32-bit processor that provides sufficient processing power to control the STB and run all native applications...", paragraph 0051);
a communication unit capable of establishing communication outside the television receiver via a communication network

(STAUNTON teaches, " [0010] In another aspect the invention provides a method for displaying images and/or information associated with a data stream received by a television receiving apparatus on a display device remote from the

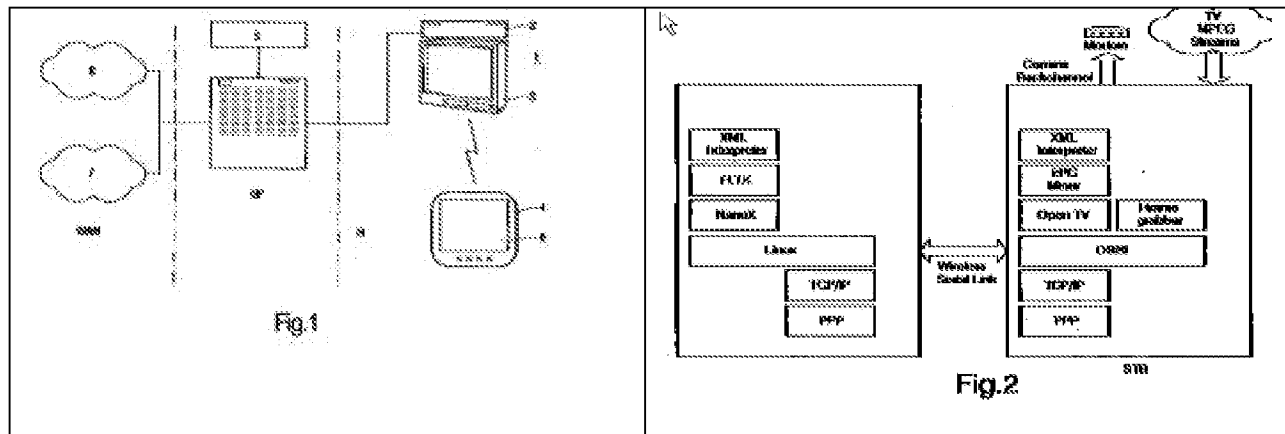
Art Unit: 3688

television receiving apparatus comprising; in response to a request, locating a data stream having associated therewith the requested images and/or information; extracting the located data stream; defining the extracted data stream in a form mutually comprehensible to the television receiving apparatus and the remote display device; transmitting the defined data stream to the remote display device...”, see at least paragraphs 0010, 0018, 0028, 0034 and 0039) wherein the package information using the inherent information is transmitted to the broadcaster.

(STAUNTON teaches, “...In a location remote from H, is located the service provider (for example a TV broadcaster) SP, who transmits his own generated content 5 to receiving apparatus 1 in environment H. In addition, service provider SP may also receive, for example, Internet data 6 and content from partner websites 7. The content 6 and 7 can be requested by the television receiving apparatus 1 and transmitted via the service provider SP to the STB 2...”, paragraph 0039, see fig. 1.

Further, STAUNTON teaches, “...The WAN connection shown in FIG. 1 is optional, it allows downstream internet data to be transmitted to the device of the invention (the upstream connection is not shown in the Figure, but could, for example, be a POTS or ADSL modem, a cable modem or even a satellite back channel). This arrangement facilitates accessing of both Internet images and TV video broadcasts simultaneously (an activity sometimes referred to as

"telewebbing"). Enhanced service (EPG, teletext and the like) delivery is also made possible by this arrangement....", paragraph 0041, Fig. 1 and 2)



As to claim 2, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claim 1 above, and further STAUNTON discloses:

a common information memory unit for storing common information (paragraph 0020 and claim 10 of STAUNTON's reference); and

The control unit uses the software program for obtaining package information by using the inherent information and executes control for obtaining and storing the package information in the common information memory (see at least, paragraphs 0006, 0026 and 0032).

Further, the combination of STAUNTON and SCHEIN does not disclose a software program certified by the broadcaster

However, ADDINGTON discloses a cable system with enhanced services, abstract. His cable system comprises software that is certified by either a manufacturer or a certification entity (paragraph 0274)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate ADDINGTON's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide certification capabilities to a system in order of present a solution with flexible and secure software for provisioning and configuring the system.

As to claims 3 and 22, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claims 1 and 2 above, and further STAUNTON discloses wherein the inherent information includes points and program viewing record information (paragraph 0020).

As to claim 12, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claim 1 above. But STAUNTON does not expressly discloses
an input unit for inputting instructions from the user; and
an on screen display (OSD) display means for displaying an operation screen for the user,
wherein the OSD display means displays the inherent information included in the package information.

However, SCHEIN disclose an input device, (paragraphs 0006 and 0032).

Computer accessory with OSD (on-screen display), (paragraph 0044).

3. Claims 4-5, 8, 10-11, 13-14, 23-24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN), in view of US. PG. Pub. No. 2004/0261126 (ADDINGTON) and in view of US Patent No. 6,539,548 (HENDRICKS)

As to claim 8, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claim 2 above.

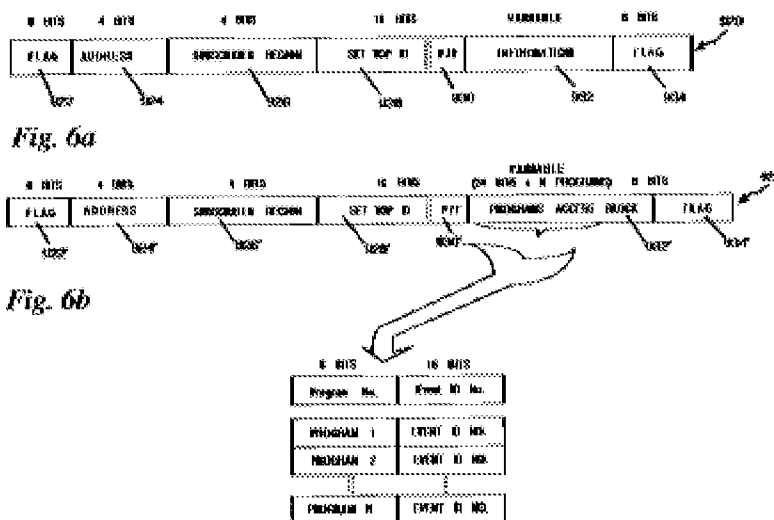
But STAUNTON does not expressly disclose comprising a terminal ID memory for storing a terminal ID that is an inherent ID of the television receiver, wherein the software program for obtaining the package information by using the inherent information produces the package information out of the inherent information and the terminal ID.

However, HENDRICKS discloses an Operations Center for television entertainment systems that provide television programming to consumer homes is disclosed. The Operations Center organizes and packages television programming and program information for delivery to and from consumer homes. The Operations Center includes a computerized packaging system for creating a program control information signal (abstract).

Further, HENDRICKS discloses in FIGS. 6a and 6b, particularly FIG. 6a, show a data format 920 for a television package. "...this frame format consists of six fields, namely: (1) a leading flag 922 at the beginning of the message [*header*], (2) an address field 924 (3) a subscriber region designation 926, (4) a set top terminal identifier 928

Art Unit: 3688

[*terminal ID*] that includes a polling command/response (or P/F) bit 930, (5) an information field 932, and (6) a trailing flag 934 at the end of the message ...", Col. 21:36-46.



Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide packeting of data in order to support a loyalty or marketing program.

As to claims 4 and 23, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claims 1 and 2 above further STAUNTON discloses

wherein the inherent information memory unit has a second sole region for downloading and storing the software program for obtaining package information by using the inherent information, and the control unit executes control for down loading

Art Unit: 3688

and storing the inherent information in a first sole region in the inherent information memory unit

(STAUNTON teaches, “..digital TV broadcast...data streams”, paragraph 0017.

Further, STAUNTON teaches, “...memory for storing the points...”, see at least paragraphs 0020, and 0021)

Next, STAUNTON discloses a second sole region (STAUNTON teaches that the television receiver apparatus in his solution, comprises a STB(set-top box), paragraph 0039. The Examiner notes that is inherent that a set-top box technology comprises memory to store the data stream (see at least paragraphs 0012, 0029 and 0032, and Fig. 2).

for downloading and storing the software program for obtaining package information (paragraph 0020).

But, the combination of STAUNTON and SCHEIN does not disclose a software program certified by the broadcaster

However, ADDINGTON discloses a cable system with enhanced services, abstract. His cable system comprises software that is certified by either a manufacturer or a certification entity (paragraph 0274)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate ADDINGTON's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide certification capabilities to a system in order of present a solution with licensed enhanced capabilities.

As to claims 5 and 24, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claims 5 and 23 above further STAUNTON discloses

wherein the software program for the obtaining package information by using the inherent information includes conditional access software

(STAUNTON teaches, "...memory for storing the points...", see at least paragraphs 0020, and 0021.

Further, STAUNTON discloses gambling activity in the form of questions regarding to a TV program which the user is watching, it is inherent that the software of STAUNTON's solution includes conditional logic functionality see at least paragraph 0023)

But, STAUNTON does not expressly disclose the inherent information includes a conditional access software ID that is an inherent ID of the conditional access software.

However, HENDRICKS discloses in FIGS. 6a and 6b, particularly FIG. 6a, show a data format 920 for a television package. "...this frame format consists of six fields, namely: (1) a leading flag 922 at the beginning of the message [*header*], (2) an address field 924 (3) a subscriber region designation 926 [*conditional access software*], (4) a set top terminal identifier 928 [*terminal ID*] that includes a polling command/response (or P/F) bit 930, (5) an information field 932, and (6) a trailing flag 934 at the end of the message ...", Col. 21:36-46.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON, SCHEIN and ADDINGTON. One would have been motivated to provide access functionality in order to ensure the integrity of the system.

Further, the combination of STAUNTON, SCHEIN and HENDRICKS does not disclose a software program certified by the broadcaster

However, ADDINGTON discloses a cable system with enhanced services, abstract. His cable system comprises software that is certified by either a manufacturer or a certification entity (paragraph 0274)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate ADDINGTON's teachings into the system of STAUNTON, SCHEIN and HENDRICKS. One would have been motivated to provide certification capabilities to a system in order of present a flexible and integral solution.

As to claim 10, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claim 1 above,

But STAUNTON does not expressly disclose
wherein the communication unit transmits the package information to an
information server connected in such manner as to enable communication.

Art Unit: 3688

and the software program for obtaining the package information by using the inherent information receives the package information produced by the information server.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. (Col. 21:36-46).

the software program of his solution packages and receives information (Col. 3:39-49, Fig. 9 and 26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide communication functionality in order to ensure efficiency of the system.

As to claims 11 and 28, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claims 1 and 2 above, and further STAUNTON discloses:

a communication browser for receiving and displaying home page information accumulated in an information server connected in such manner as to enable communication

(STAUNTON teaches "In the proposed scheme of the invention, broadcasters send points (carried in an electromagnetic signal) to a TV receiver embedded in a video broadcast. The remote control device is provided with a user operable control for requesting and downloading these loyalty points and a memory for storing the points. In further broadcasts, the broadcaster may send interactive

Art Unit: 3688

information directly to the remote control device..”, paragraph 0020. The

Examiner notes that is inherent that STAUNTON’s solution comprises a communication browser);

a broadcast browser which receives a data broadcast to display a data broadcast screen (paragraph 0023); and

wherein the control unit uses the broadcast browser to execute control and the common information memory and uses the communication browser to execute control for transmitting information to the information server (Fig. 1 and 2. Further, STAUNTON teaches STB technology that has a processor or CPU for storage data and control data, see at least paragraphs 0012 and 0023).

But STAUNTON does not expressly disclose

wherein the communication unit transmits the package information to an information server connected in such manner as to enable communication.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. (see at least Col. 21:36-46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS’s teachings into the system of STAUNTON and SCHEIN. One would have been motivated to provide communication functionality in order to ensure data transportation.

As to claims 13 and 14, STAUNTON, SCHEIN and ADDINGTON disclose a system as in claim 1 above, and further STAUNTON teaches

package information in conformity to a format for addition of a package information header for identifying the package information

(STAUNTON's solution comprises functionality to extract data from frames, packages, using XML and the appropriated DTD/schema, see at least paragraphs 0042-0048),

But STAUNTON does not expressly disclose

wherein the software program for obtaining the package information by using the inherent information stores the inherent information in a package information main body and obtains the package information in conformity to a format for addition of a package information header that is information for identifying the package information, and

a package format memory unit for storing the format, wherein the software program for obtaining package information by using the inherent information includes information of the format specified and is capable of writing the information in the package format memory unit.

However, HENDRICKS discloses in FIGS. 6a and 6b a television data package. The data package contains a header that is information for identifying the package information, (Col. 21:36-46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate HENDRICKS's teachings into the system of STAUNTON, SCHEIN and ADDINGTON. One would have been motivated to provide data packages in order to conform to protocols of data transportation technology.

4. Claims 6-7 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. PG. Pub. No. 2005/0110909 (STAUNTON) in view of PG. Pub. No. 2003/0208758 (SCHEIN), in view of US. PG. Pub. No. 2004/0261126 (ADDINGTON) in view of US Patent No. 6,539,548 (HENDRICKS) and in view of PG. Pub. No. 2002/0129362 (CHANG).

As to claims 6, 7, 25 and 26, STAUNTON, SCHEIN, ADDINGTON and HENDRICKS disclose a system as in claims 5 and 24 above. **But** STAUNTON does not disclose wherein the inherent information includes an authentication parameter used for the conditional access software, and wherein the authentication parameter includes a secret key or a public key.

However, CHANG discloses a digital set-top box comprising a programming functionality that is divided into packets, each packet bearing an identifier called a Packet ID (PID) that identifies the packet as containing a particular type of data (e.g. audio, video, data), paragraph 0028.

Further, CHANG discloses a set-top box (STB) that incorporates functionality for conditional access software (CAM) and authentication of the user and transactions carried out by the user as well as authorization of services and storage of authorized cryptography keys, paragraph 0031.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate CHANG's teachings into the system of

Art Unit: 3688

STAUNTON, SCHEIN, ADDINGTON and HENDRICKS. One would have been motivated to provide authentication services in order to ensure a reliable solution.

Response to Arguments

5. Rejection of claims 12 under 35 USC 112 second paragraph, have been withdrawn because Applicant amended the claim.

6. Claim 1: Applicants argue that

Staunton et al., however, do not disclose or suggest: 1) an inherent information memory unit accessible only for a software program certified by the broadcaster, 2) a common information memory unit for storing common information, and being freely accessible for an application installed in the television receiver, 3) a communication unit capable of establishing communication outside the television receiver via a communication network and 4) that the package information using the inherent information is transmitted to the broadcaster, as required by claim 1 (emphasis added). Staunton et al. are silent regarding these features. Staunton et al. only teach acquiring loyalty points to purchase items or services. (Paragraph [0020-0023].) In addition, as acknowledged by the Examiner on page 3 of the Office Action, Staunton et al. do not teach a software program receiver unit for receiving a software program which obtains information from the inherent information memory unit, as required by claim 1. Thus, Staunton et al. do not include all of the features of claim 1.

Art Unit: 3688

Applicant's arguments have been fully considered. The arguments are moot in light of the above new grounds of rejection. All the claims are rejected under 35 U.S.C 103 of STAUNTON, SCHEIN and ADDINGTON.

Conclusion

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular.

Art Unit: 3688

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571 272 6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. V./
Examiner, Art Unit 3688
Mar 4/2010

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3688